

REMARKS

Claims 1-6, 8, 10-16, 19-24, 27-35, 37-44, 47-52, 54 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,574,849 to Sonnier et al. Claims 9, 17, 18, 26, 36, 45, 46 and 53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnier in view of U.S. Patent No. 6,400,730 to Latif et al. Applicant respectfully disagrees.

Formal Request for Interview

In the previous Response (dated May 25, 2005) applicant amended claims to incorporate subject matter deemed allowable by the Examiner in the Office Action of January 25, 2005. In the current Office Action, the Examiner has now rejected these claims (effectively withdrawing the indication of allowable subject matter). Applicant formally requests the Examiner explain the reasons for withdrawing the indication of allowable subject matter in the next Office Action, as the applicant has attempted to contact the Examiner on numerous occasions in order to gain insight into this matter. Additionally, should the current Response not place the application in condition for allowance, applicant formally requests a telephonic interview with the Examiner before the issuance of a subsequent Office Action in order to discuss any of the Examiner's concerns.

Claim Rejections

Independent claim 1 is directed to a method for transmitting control information during transmission of packets, including "transmitting symbols of the packet, the symbols of the packet including in-band symbols that are transition optimized," "stopping the transmitting of the packet," and transmitting an out-of-band symbol that is not transition optimized representing control information."

The Examiner states that Sonnier describes all the elements of the claim except "does not expressly teach the transmitting in-band symbols are transition optimized and

transmitting a control information of an out-of-band symbol that is not transition optimized to stop the transmitting of the symbols of the packet" (page 3, 4th paragraph), but looks back to Sonnier to disclose these elements. Specifically, the Examiner believes that Sonnier "does expressly teach transmitting in-band symbols and transmitting an out-of-band control symbol...to optimize the transmitting in-band control information symbols and to interrupt/to not optimize with the FILL command symbol during transmission of packets" (page 3, 5th paragraph).

Regardless of why the symbols are transmitted, claim 1 recites in-band symbols that are **transition optimized** and an out-of-band symbol that is **not transition optimized**. Symbols being transition optimized or not transition optimized has nothing to do with the interruption of the transmission of symbols, but instead refers to the number of bit transitions within a symbol (see paragraph [0096] for an exemplary discussion of bit transition optimization).

Therefore, the mere ability to insert symbols and "interrupt" a stream of symbols would not lead one of ordinary skill in the art to use in-band symbols that are "transition optimized" as they are completely unrelated. Therefore, claim 1 would not be obvious to one of ordinary skill in the art having knowledge of Sonnier. For at least these reasons, applicant respectfully asserts that claim 1 is patentable over the cited art.

Independent claims 12, 19, 29, 39 and 47 recite similar elements to those of claim 1, including "the symbols of the packet being in-band symbols that are transition optimized" (claims 12 and 19) and "the symbols of the packet being in-band symbols and non-contiguous out-of-band symbols" (claims 29, 39 and 47). Therefore, claims 12, 19, 29, 39 and 47 are patentable for at least the reasons stated above with respect to claim 1.

Since claims 2-6, 8-11, 13-18, 20-24, 26-28, 30-38, 40-46, and 48-54 depend from one of the independent claims discussed above, they are patentable for at least the reasons stated with respect to the independent claims.

Conclusion

In view of the above Response, applicant believes the pending application is in condition for allowance, and respectfully requests its early allowance.

Applicant has provided herewith a check to cover the extension of time fee, and believes no additional fee is due. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 594728817US from which the undersigned is authorized to draw.

Dated:

2-22-06

Respectfully submitted,

By Maurice J. Pirio
Maurice J. Pirio

Registration No.: 33,273
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant